

UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

DISTRICT OF WYOMING

DEC 22 2006

Stephan Harris, Clerk
Cheyenne

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

SCOTT WILLIAM RANDALL

CASE NUMBER: 06-M-223-B

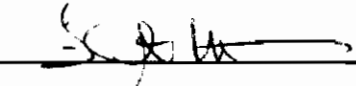
I, Flint Waters, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 18, 2006, in Laramie County, in the District of Wyoming, the Defendant, **SCOTT WILLIAM RANDALL**, using a means of interstate commerce, namely the Internet, did knowingly attempt to persuade, induce, and entice an individual who had not attained the age of 18 years to engage in sexual activity for which an individual could be charged with a criminal offense, to wit: the Defendant, **SCOTT WILLIAM RANDALL**, attempted to arrange to meet an individual he knew from the internet as TinaM, a 13 year old female, for the purpose of engaging in oral sex which constitutes a violation of Wyoming law, specifically W.S. § 6-2-304, commonly known as sexual assault in the third degree

in violation of Title 18 United States Code, Section 2422(b). I further state that I am a Special Agent with the Wyoming Attorney General's Office, Division of Criminal Investigation, and that this complaint is based on the following facts:

1. I am a peace officer for the State of Wyoming Attorney General, Division of Criminal Investigation, and was first certified as a professional peace officer in the State of Wyoming in 1986. I have over 2300 hours of training recognized and certified by the Wyoming Peace Officers Standards and Training Commission (POST) and have been trained in the investigation of computer use in the exploitation of children and trained in the methods of forensic analysis of computers used in criminal activity. I am a POST certified instructor and

(Continued on Attached Statement in Support of Criminal Complaint)

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant
Flint Waters

Sworn to before me and subscribed in my presence,

December 22, 2006

at Cheyenne, Wyoming

Date

City and State

Hon. William C. Beaman
Federal Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

**SWORN STATEMENT OF FLINT WATERS
IN SUPPORT OF CRIMINAL COMPLAINT (Scott William Randall)**

have taught in the areas of Internet undercover investigations and digital evidence management. I have been assigned to operate in an undercover capacity on the Internet by the Director of the DCI for the purpose of identifying and investigating persons attempting to exploit or solicit sexual acts with children. I have been recognized by the Federal District Court in and for the District of Wyoming as an expert in Internet investigations in *United States v. Benjamin Brown*, Docket Number 02-CR-0150-D, and *United States v. Terrance Thomas*, Docket Number 03-CR-0174-J. I am cross designated as a Customs Officer with U.S. Immigration and Customs Enforcement (ICE) and this application is being made in that capacity.

2. This affidavit is based upon information I have gained from my investigation and my training and experience. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **SCOTT WILLIAM RANDALL** used the internet in an attempt to persuade, induce, and entice an individual he believed had not attained the age of 18 years to engage in sexual activity for which an individual could be charged with a criminal offense in violation of Title 18, United States Code, Section § 2422(b).

3. On Monday, December 18, 2006 Your Complainant was conducting authorized proactive undercover operations in a Yahoo chat room.

4. Your Complainant was posing undercover as a thirteen-year-old girl in Cheyenne, Wyoming in the Relationships – Wyoming chat room. Your Complainant saw swr2417 put a question in the Wyoming chat room asking who was from Cheyenne. Your Complainant responded, "Cheyenne".

5. At approximately 2:07 P.M. Your Complainant was contacted by Yahoo username swr2417 in a private chat. Your Complainant retained the entire chat.

6. The following excerpts were copied from the recorded chat:

swr2417 (12/18/2006 2:07:24 PM): hi tina
Tina M (12/18/2006 2:07:42 PM): hi
swr2417 (12/18/2006 2:08:09 PM): im near the hopital, where are you located?
Tina M (12/18/2006 2:08:26 PM): up by yellowstone
swr2417 (12/18/2006 2:08:34 PM): ic
swr2417 (12/18/2006 2:08:47 PM): can you describe yourself to me?
Tina M (12/18/2006 2:08:54 PM): 5 2
Tina M (12/18/2006 2:08:59 PM): 96 pds
swr2417 (12/18/2006 2:09:03 PM): u can see my pic in my profile
Tina M (12/18/2006 2:09:07 PM): blond hair and blue eyes
Tina M (12/18/2006 2:09:10 PM): ok hang on
swr2417 (12/18/2006 2:09:20 PM): do you have a pic?
Tina M (12/18/2006 2:09:30 PM): not here sor
swr2417 (12/18/2006 2:09:36 PM): k
Tina M (12/18/2006 2:09:37 PM): u look older
swr2417 (12/18/2006 2:09:46 PM): 28
Tina M (12/18/2006 2:09:57 PM): wow, I am 13

swr2417 (12/18/2006 2:13:57 PM): know any crazy girls?
Tina M (12/18/2006 2:14:02 PM): ya some
swr2417 (12/18/2006 2:14:42 PM): reall, any that would want to have sum fun?
Tina M (12/18/2006 2:15:05 PM): like what all u got in mind?
swr2417 (12/18/2006 2:15:29 PM): i dont know, what would you consider fun
Tina M (12/18/2006 2:15:48 PM): lol
swr2417 (12/18/2006 2:16:03 PM): do you have any ideas?
Tina M (12/18/2006 2:16:26 PM): pretty open, u cool?
swr2417 (12/18/2006 2:17:02 PM): i know i am, dont know about you yet

swr2417 (12/18/2006 2:25:48 PM): u 50?
Tina M (12/18/2006 2:26:08 PM): huh?
swr2417 (12/18/2006 2:26:22 PM): 50
Tina M (12/18/2006 2:26:28 PM): no dude I m 13
swr2417 (12/18/2006 2:26:54 PM): police
Tina M (12/18/2006 2:27:03 PM): oh, no, my bad
Tina M (12/18/2006 2:27:08 PM): u?
swr2417 (12/18/2006 2:27:55 PM): no, i dont want trouble

Tina M (12/18/2006 2:28:17 PM): no dout, me too

swr2417 (12/18/2006 2:39:25 PM): nothing to do

Tina M (12/18/2006 2:39:49 PM): i know, too cold

swr2417 (12/18/2006 2:40:55 PM): too cold for what?

Tina M (12/18/2006 2:41:21 PM): to go out and do much

swr2417 (12/18/2006 2:41:40 PM): indoor fun, thats what its about

Tina M (12/18/2006 2:41:53 PM): lol, ya

swr2417 (12/18/2006 2:42:13 PM): how old are your friends?

Tina M (12/18/2006 2:42:34 PM): my age but one is 14

Tina M (12/18/2006 2:42:47 PM): they dont get out til after 3

swr2417 (12/18/2006 2:42:59 PM): ic

swr2417 (12/18/2006 2:43:24 PM): what else do you like to do for fun?

Tina M (12/18/2006 2:43:34 PM): lol

(Your Complainant included an emoticon with the "lol" response above that depicted a blushing smiley face)

swr2417 (12/18/2006 2:44:05 PM): with older men also?

Tina M (12/18/2006 2:44:11 PM): if they are cool

Tina M (12/18/2006 2:44:31 PM): if my dad finds out i am so busted so cool is like the key thing

swr2417 (12/18/2006 2:44:52 PM): i hear that

swr2417 (12/18/2006 2:45:09 PM): may i ask what your favorite thing to do is?

Tina M (12/18/2006 2:45:28 PM): u first, i told the smoke and the partying thing first

swr2417 (12/18/2006 2:46:01 PM): i like a lot of things, i really dont have a favorite

Tina M (12/18/2006 2:46:11 PM): like what

swr2417 (12/18/2006 2:46:45 PM): do you mean what do i like the most about sex?

Tina M (12/18/2006 2:46:54 PM): sure

swr2417 (12/18/2006 2:47:33 PM): i like all kinds of sex, but i guess most of all, i like to please a girl orally before anything else happens

Tina M (12/18/2006 2:47:42 PM): cool

swr2417 (12/18/2006 2:47:58 PM): what about you?

Tina M (12/18/2006 2:48:49 PM): I havnt done that a lot, the get oral thing

swr2417 (12/18/2006 2:49:07 PM): what have you done a lot

Tina M (12/18/2006 2:49:15 PM): lol, well the other way

swr2417 (12/18/2006 2:49:50 PM): what do you mean?

Tina M (12/18/2006 2:50:49 PM): i did oral b4

swr2417 (12/18/2006 2:51:19 PM): did you like it?

Tina M (12/18/2006 2:51:40 PM): it was ok

swr2417 (12/18/2006 2:52:00 PM): well, what do you like?

Tina M (12/18/2006 2:52:40 PM): like normal stuff

Tina M (12/18/2006 2:53:03 PM): ok, to be honest i never had oral done on me ok

swr2417 (12/18/2006 2:53:28 PM): u have no idea what your missing

Tina M (12/18/2006 2:53:42 PM): no, i gess not
swr2417 (12/18/2006 2:54:06 PM): too bad your not free now
Tina M (12/18/2006 2:54:12 PM): rely?
swr2417 (12/18/2006 2:54:21 PM): im in the mood to party
Tina M (12/18/2006 2:54:31 PM): cool

swr2417 (12/18/2006 2:58:08 PM): its 3 now
swr2417 (12/18/2006 2:58:17 PM): would we have enought time?
Tina M (12/18/2006 2:58:34 PM): not if i walk downtown
swr2417 (12/18/2006 2:58:51 PM): i would never make you walk
Tina M (12/18/2006 2:58:53 PM): what all u wantin to do, if i am not at home at like 5 i coud get busted
swr2417 (12/18/2006 2:59:06 PM): u would be
swr2417 (12/18/2006 2:59:18 PM): where do i pick you up?
Tina M (12/18/2006 2:59:36 PM): u could like park in the daiury queen lot and if you look cool i could come get in
swr2417 (12/18/2006 3:00:15 PM): ok
swr2417 (12/18/2006 3:00:38 PM): what time is good for you?
Tina M (12/18/2006 3:00:45 PM): i got on a blue long sleeve and a blak vest
swr2417 (12/18/2006 3:00:59 PM): ok
Tina M (12/18/2006 3:01:05 PM): now is cool, take like 5 minutes to walk there
swr2417 (12/18/2006 3:01:10 PM): i will honk my horn when i see you
swr2417 (12/18/2006 3:01:16 PM): i will leave now

7. Your Complainant arranged surveillance at the Dairy Queen on Yellowstone. During the surveillance the following was observed:

3:14 PM – 4 door silver Buick with one older male occupant, wearing a ball cap observed in the Dairy Queen parking lot. License on vehicle is 2-6ERM.

3:17 PM – Silver Buick leaves the Dairy Queen parking lot drives North bound on Yellowstone to the Albertson's parking lot.

3:21 PM – Silver Buick South Bound on Yellowstone and parks in the Pizza Hut parking lot where he can observe the Dairy Queen.

3:25 PM – Silver Buick leaves the Pizza Hut Parking Lot North bound on Yellowstone.

3:26 PM - Silver Buick makes a U-Turn on Yellowstone South bound on Yellowstone.

3:28 PM – Silver Buick returns to parking lot South of the Dairy Queen and parks by a dumpster.

Shortly thereafter the silver Buick leaves the area driving by the Dairy Queen.

3:29 PM – Silver Buick leaves the Dairy Queen Parking Lot and travels North bound on Yellowstone.

3:30 PM – Silver Buick past Story North Bound on Yellowstone.

3:31 PM – Silver Buick is stopped in traffic for a school bus on Prairie Hill.

3:33 PM – Silver Buick South bound on Yellowstone.

3:35 PM – Silver Buick into parking lot of Dairy Queen, drives through the parking lot and leaves South bound on Yellowstone.

3:39 PM – Silver Buick at Central and 8th.

3:41 PM – Silver Buick East bound on 25th.

3:43 PM – Silver Buick parks at 2417 House Ave., Cheyenne, Wyoming, Driver gets out and goes into the residence.

8. Your Complainant noted that the address, 2417, matched the numbers at the end of the Yahoo username, swr2417. A check of police records confirmed that one of the residents at 2417 House was named Scott William RANDALL. Your Complainant noted that the initials SWR matched the letters in the Yahoo username.

9. Your Complainant returned to the online persona of the thirteen year old Cheyenne girl and continued to chat with swr2417. The following are excerpts from that chat:

Tina M (12/18/2006 3:51:34 PM): what happened to u?
swr2417 (12/18/2006 3:52:02 PM): u never showed up

Tina M (12/18/2006 3:52:15 PM): i was sitting the the dq nobody never honked at me
swr2417 (12/18/2006 3:53:08 PM): i was there and i never saw you
Tina M (12/18/2006 3:53:10 PM): i walked from over by pizza hut
Tina M (12/18/2006 3:53:33 PM): sat in dq and nobody parked and honked
Tina M (12/18/2006 3:54:07 PM): did u come inside, there was one older guy but he dint look like
your pic
swr2417 (12/18/2006 3:54:12 PM): i was there until 3:45, i got there at 3:11
swr2417 (12/18/2006 3:54:37 PM): i didnt go inside, i sat in my car

10. Your Complainant noted that the times given were very close to the times logged by the surveillance units.
11. Your Complainant noted that the person using the identity swr2417 appeared to be attempting to make arrangements to meet with the 13yo identity the next morning.
12. Your Complainant obtained the driver's license photo for RANDALL and noted that the person in the photo appeared to be the same person that was seen during the surveillance operation.
13. Your Complainant looked at an online photo provided by RANDALL as RANDALL and noted that the photo appeared similar to the person depicted in the driver's license photo.
14. Your Complainant interviewed **SCOTT WILLIAM RANDALL** on December 19, 2006. **RANDALL** admitted he, as "swr2417," chatted online on December 18, 2006 with a person he believed was a thirteen year old female and that he discussed having oral sex with the girl.

PENALTY SUMMARY

DATE: DECEMBER 22, 2006

DEFENDANT NAME: SCOTT WILLIAM RANDALL

VICTIM: NO

OFFENSE AND PENALTIES:

OFFENSE: **Ct. 1:** Attempt to Persuade, Induce or Entice a Minor to Engage in
Illegal Sexual Activity

PENALTIES: NOT LESS THAN 10 OR MORE THAN OR MORE
THAN A LIFE TERM OF IMPRISONMENT
\$250,000.00 FINE
UP TO A LIFE TERM OF SUPERVISED RELEASE
\$100 SPECIAL ASSESSMENT

AGENT: FLINT WATERS - DCI

AUSA: JIM ANDERSON

ESTIMATED TIME OF TRIAL:

INTERPRETER NEEDED:

_____ five days or less
_____ over five days
_____ other

_____ Yes
_____ No

THE GOVERNMENT:

_____ will
_____ will not

_____ The court should not grant bond
because the defendant is not bondable
because there are detainers from other
jurisdictions

**SEEK DETENTION IN THIS
CASE.**